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ABSTRACT

Section I of this report presents a factual summary of events in the St. Louis school desegregation case and updates the summary presented in Part I of this series (UD 020 284). This update covers the period from February 18, 1978 to January 31, 1979. Events summarized include both legal proceedings in the court case and activities in the community related to the school desegregation process. Section II provides an analysis of the major policy questions which have emerged in the case since February of 1978. The analysis focuses on three primary issues: the factor of socioeconomic class in the school desegregation question: the limitations of any desegregation plan confined to the City of St. Louis: and the issue of metropolitan remedy. Section III examines the general parameters within which an effective and successful plan acceptable to the various parties might fall. No attempt is made to prescribe the content of a desegregation plan. The focus is on emerging points of consensus among the concerned parties and in desegregation research. (Author/RLV)

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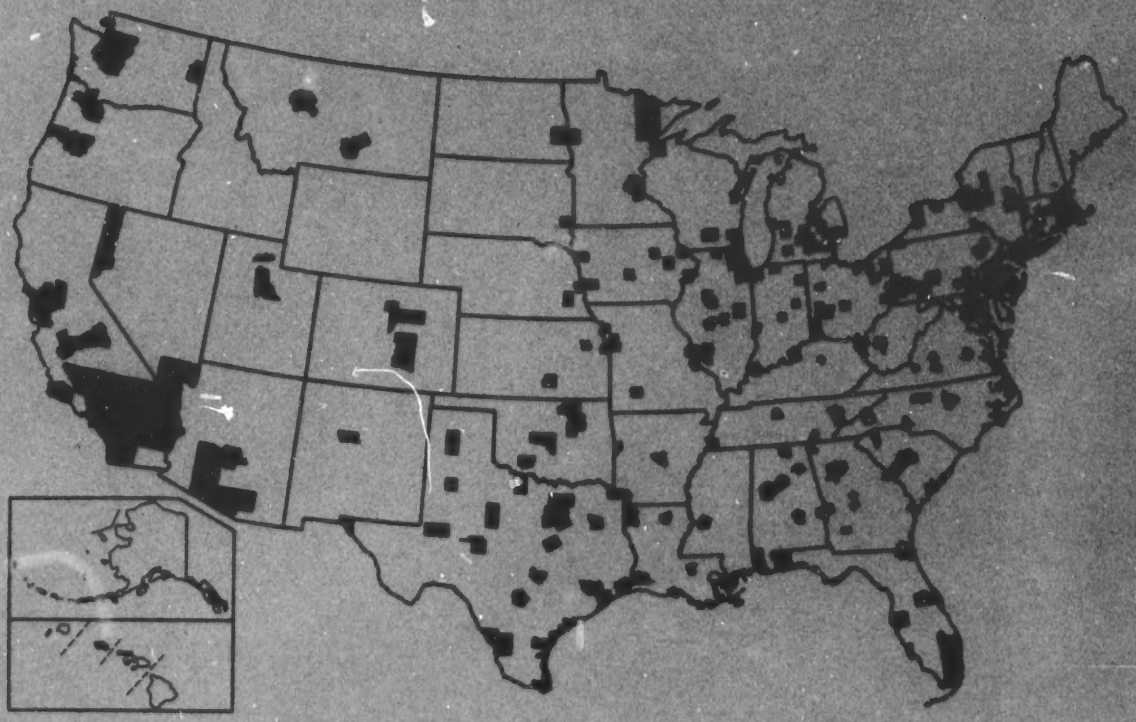

RESOLVING THE DESEGREGATION ISSUE IN
THE ST. LOUIS PUBLIC SCHOOLS -- PART II
February 1979

UD020285

CENTER FOR METROPOLITAN STUDIES

•UNIVERSITY OF MISSOURI-ST. LOUIS

RESOLVING THE DESEGREGATION ISSUE IN THE ST. LOUIS PUBLIC SCHOOLS - PART II

* Updated Summary of Events
  (February 18, 1978 to January 31, 1979)

* Analysis of Additional Policy Considerations

* Recommendations for Successful Resolution

A Report of the

CENTER FOR METROPOLITAN STUDIES
UNIVERSITY OF MISSOURI-ST. LOUIS

February 1979

(Supplementary to the Center's initial report, Resolving the Desegregation Issue in the St. Louis Public Schools, February 1978)

Prepared by:

Richard H. Patton

with James H. Laue

PREFACE

The report which follows is offered to the St. Louis community as part of the continuing commitment of the Center for Metropolitan Studies and the University of Missouri-St. Louis to provide assistance to the metropolitan region in community problem-solving and policy formulation. It is based on the conviction that the best solutions to social problems come from a process in which all the actors are fully informed and equipped to participate in shaping the policies that affect their lives.

The analysis and recommendations which are contained in this report are not offered as definitive findings or rigidly prescribed solutions to the problems they address. As with the preceding volume, the intent of this document is to assist the St. Louis community in resolution of the desegregation issue through the provision of sound policy research.

The focus of the Center's research is to assist the actors in the desegregation process in identifying and defining issues, analyzing alternative solutions, and formulating strategies for resolution of problems. Hopefully this document will help to build a framework within which resolution of the desegregation question can be pursued in the swiftest, fairest, most educationally beneficial, and stable manner.

The work leading to this report has been supported in part through funding from the National Institute of Education, under contract 400-76-0103.

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INTRODUCTION

It has now been seven years since the Concerned Parents of North St. Louis filed a suit in U.S. District Court charging their children were the victims of racially discriminatory school board policies and practices and seeking relief from that alleged discrimination.* After the expenditure of millions of dollars and thousands of hours of time on the case, the initial suit still remains unresolved. While a decision at the District Court level may now be forthcoming in the next few months, the prospects of legal appeal push the date of final resolution to a point in time which may be years away.

In February of 1978, the Center for Metropolitan Studies of the University of Missouri at St. Louis issued a report entitled, Resolving the Desegregation in the St. Louis Public Schools. The report offered a summary of events in the case from the time the original suit was filed to the February publication date, an analysis of social policy considerations involved in the desegregation issue, and a series of specific strategy recommendations for how the issue might be resolved in the best interest of the parties to the suit and the community as a whole. That document was distributed widely in the community.

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*Such terms as desegregation, integration, segregation, discrimination, racial isolation, and racial balance are not used in the context of this document as legal terminology. They are used to describe general conditions and processes and should not be viewed as adhering to any strict legal or constitutional definition.

The primary recommendation of the initial 1978 report was a proposal for a process of joint plan formulation in the event the court found constitutional violation and determined a need for remedy. The five-step procedure for development of a desegregation plan called for:

* Issuance of a planning order, giving the parties 30 working days to develop a plan, appointing a mediator, and directing each party to appoint a representative to the planning process.

* Selection of representatives by each party, to take place within seven days after the planning order.

* Conducting of the planning process, including an initial meeting between the planning group and the judge, setting of deadlines for progress reports, development of a timetable, and identification of a citizens' group to disseminate appropriate information during the planning process.

* Submission of the plan to the court, after which the judge would review it and order additional planning if necessary.

* Court-supervised implementation, including public presentation of the plan, monitoring by a special commission, and assistance from a citizens' group. Court jurisdiction would continue for at least three years, or until any formal appeals had been completed.

The report which follows is offered as a companion volume to the February report. It offers an updated summary of events in the case, covering the period of February 18, 1978 to January 31, 1979. Some additional analysis of policy considerations related to new developments in the case

is included, and further strategies for resolution of the issue are offered. The current report will prove most comprehensible and useful when viewed in relationship to the February publication. It is the recommendation of Center staff that persons who did not receive a copy of the initial report released in February of last year, contact the Center for Metropolitan Studies at 453-5273, attention Ms. Allen.

The initial 1978 report suggested seven considerations as crucial in obtaining a fair, peaceful, lasting, and relatively swift resolution of the desegregation question. Those same considerations provide the framework for the analysis and recommendations offered here in Part II of the Center's desegregation report. They may be summarized as follows:

1) It is essential to recognize the school desegregation question as a complex political and social issue, not just a legal one. Successful resolution of the desegregation question is dependent on a community's ability to address critical concerns in the social realm, in addition to obtaining a legal settlement. Frequently, however, legal matters become the primary or sole focus of attention and social needs go unmet.
2) Resolution of the school desegregation issue has become a time-consuming, financially costly, and emotionally draining process for St. Louis. Failure to resolve the desegregation question has repercussions beyond the issue itself, and eventually

begins to interfere with treatment of other important educational and social matters. The interest of the community is best served if further protraction of the process can be avoided.

3) While the school desegregation question may remain officially unresolved over a long period of time, many of the negative effects of school segregation and programmatic attempts to correct it may emerge and run their course. If minority children are the victims of discriminatory practices, that situation continues without alleviation over the course of the unresolved case. Flight from the public schools and reduction of tax base, which are often alleged to occur and may be avoided with implementation of a good plan or a finding of no violation, may begin and run their cycle over the years the issue remains unresolved. Every effort must be made to address these issues swiftly and consciously so negative outcomes do not come by simple default.

4) The determination of whether constitutional violation has occurred and the selection of a specific plan and a planning process for remedy are matters which fall solely within the jurisdiction of the court. It is essential that citizens be impressed with the need to adhere to this legal framework.

5) For any desegregation plan to be successful, it must satisfy three primary requirements:

A) constitutional compliance

B) political viability

C) educational quality

6) In the view of Center staff, in the event the court finds school system liability and determines the need for a remedy, the swiftest, fairest, and most acceptable resolution of the issues involved in the St. Louis school desegregation case can be brought about through a court-ordered and court-supervised process of joint plan formulation which involves the litigants and qualified technical assistants. Such a process would best insure development of a plan with the characteristics outlined in item 5 above.*

7) Community-based efforts are essential to the successful implementation of any school desegregation which the court may order. Identification of tasks related to implementation, and identification of groups to carry out those functions, should begin prior to implementation of any plan.

Part II of the desegregation report, like the preceding volume, is offered as a manual or handbook for those persons who would like to involve themselves constructively in the social, political, and educational tasks which are central to the desegregation process. The materials included are not offered in the form of a brief popular summary. The intent of the two volumes is, rather, to provide sufficient detail that

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*See pp. 57-67 in the February 1978 Center report.

the reader gains a working knowledge of the St. Louis desegregation case, and at least a basic conceptual grasp of the dynamics of the desegregation process.

Every effort has been made to structure the Center's series of reports on school desegregation as policy documents. Their focus is not on analysis for its own sake, or on the exposition of academic research. The intent of the reports is to identify important policy issues which must be addressed, and offer methods tested through experience and research which can be employed in dealing with those issues.

Section I of this report presents a factual summary of events in the school desegregation case which updates the summary offered in the initial report. It covers the period February 18, 1978 to January 31, 1979. Events summarized include both legal proceedings in the court case and activities in the community related to the desegregation process.

Like the initial summary, this section was reviewed prior to publication by representatives of all of the parties to the suit and other persons who have been involved in the case in an attempt to insure its accuracy and objectivity. The summary is based on court records, observations of court proceedings, newspaper accounts, discussions with the actors in the process, and field work.

Section II of the report provides an analysis of the major policy questions which have emerged in the case since February of 1978. The analysis focuses on three primary issues: the factor of socio-economic

class in the school desegregation question; the limitations of any desegregation plan confined to the City of St. Louis; and the issue of metropolitan remedy. This section of the report should not be viewed as an attempt at a comprehensive, free-standing analysis of all the policy questions involved in the St. Louis desegregation case. It is supplementary and complementary to the analysis of policy considerations in the February 1978 report (Section II), and is intended as an expansion of that initial analysis.

As stated earlier, Center staff remain committed to the idea that, in the event of a court finding of school system violation and determination of the need for development of a desegregation plan in remedy, the best plan can be designed through a process of formulation that jointly involves the parties to the suit and technical assistants. Section III of the initial Center report on resolving the desegregation issue spelled out a detailed process through which plan formulation could take place under court mandate and supervision. Section III of this report begins to examine the general parameters within which an effective and successful plan acceptable to the various parties might fall. It should be stressed that no attempt is made to prescribe the content of a desegregation plan. The focus is, instead, on emerging points of consensus among the parties and in desegregation research.

Finally, it is the belief of Center staff that evidence and testimony in the St. Louis case, and developments in St. Louis and other cities, have supported and underscored the validity of the Center's recommendations on resolving the desegregation issue. In the interest of swift,

fair, educationally sound and lasting resolution of the desegregation question, we continue to urge their implementation.

I.

AN UPDATED SUMMARY OF EVENTS RELATED TO THE ST. LOUIS SCHOOL DESEGREGATION CASE (February 18, 1978 to January 31, 1979)

Application for Third Year E.S.A.A. Funds

In late February of 1978, the St. Louis Public Schools submitted an application to the Department of Health, Education, and Welfare for $2.6 million in Emergency School Aid Act Funds. Just over $2.1 million was sought as funding to support the Magnet School Program, and approximately one-half million dollars was sought in addition for funding for special and pilot programs. The 1978-79 school year was to be the third year of operation for those programs.

The St. Louis application asked for virtually all of the ESAA funds allocated to the State of Missouri. It was expected that the St. Louis school system would find itself in competition for the available funds with the Kansas City Public Schools which had not applied for ESAA funds in previous years, but which were now seeking them to help meet the increasing financial cost of their desegregation programs. Even prior to the preparation of the St. Louis ESAA application, a reduction by HEW in Missouri's ESAA allocation for the 1978-79 school year had forced St. Louis school officials to abandon plans for expansion of the Magnet Program.

In their deliberations on the ESAA application, several School Board members objected to desegregation guidelines which are imposed on programs operated with ESAA funds. It was the contention of the Board members that those guidelines were discriminatory.

The guidelines, which are enforced by the Office of Civil Rights, 1) require a racial mix at each magnet school which ranges from 50/50 black/white to a maximum of 70 percent black and minimum of 30 percent white, 2) establish "exit criteria" which make it difficult for white students to transfer into magnet programs, and 3) set-up special admission requirements for accepting transfer students from private schools into the Magnet School Program. Board member Gordon Benson complained that the federal government did not enforce the same guidelines at St. Louis parochial schools which received federal desegregation funds. That discrepancy in enforcement, he said, could have the effect of promoting "white flight" from the public schools.

The St. Louis Archdiocese was seeking $130,000 in ESAA funds for the 1978-79 school year to operate programs at four parochial schools. Its application was included with the proposal from the public school system because the St. Louis Board of Education had been designated by HEW as the local agency to administer the federal desegregation funds.

The Fourth Segment of the Desegregation Trial: March 13 to 28, 1978

The desegregation trial resumed -- beginning its fourth major segment -- on March 13, and the St. Louis School System resumed presentation of its case-in-chief.

The initial witness called by Board attorneys was James H. Wooten, executive director of the Division of Planning and Program Development for the St. Louis Public Schools. Wooten's testimony centered on the School System's administration of Title 1 remedial programs, and the impact which the system's handling of those programs may have had on racial balance in the schools. The school system had been the target of allegations that its use of Title I funds -- particularly with

regard to the construction of school facilities -- had served to perpetuate racial isolation in the schools. School board attorneys countered those charges with arguments that the construction and remedial education policies followed by the Board in expending Title I funds had been carried out since the 1960's with the full knowledge of federal officials, and that no objections had ever been raised that those policies were racially discriminatory. Board attorneys argued further that to spend Title I funds other than in the manner they had been spent might have seriously hampered meeting the remedial needs of black students.

Wooten's testimony covered a range of topics related to the administration of Title I funds, including procedures for designation of Title I schools, building construction policies, and the effects of geographic concentration of Title I schools and children. During cross-examination, Justice Department attorney Thomas Yannucci questioned Wooten regarding the seat of responsibility for the oversight of Title I funds. Wooten concluded that responsibility rested with the Missouri State Board of Education and not the Department of Health, Education and Welfare. Wooten also stated during cross-examination that there would be no loss or reduction of Title I funds due to desegregation, and that in fact more St. Louis students might receive Title I funds upon implementation of a desegregation plan.

George D. Wendel, Director of the Center for Urban Programs at St. Louis University, was the next witness called by the School System. In testimony which took some three days and centered heavily on demographics, Wendel built much of the conceptual framework on which the School System was to base its defense.

Wendel testified that the racial isolation which had developed in the St. Louis Public Schools was primarily attributable to strong demographic trends which were common to older metropolitan areas across the country, and which were even more strongly pronounced in St. Louis than in other major urban centers of the Northeast and Midwest Those population shifts, which resulted in the mass movement of whites to the suburbs and the concentration of black population in the old central cities, were strongly supported by policies of the federal government and private real estate practices, Wendel testified. Professor Wendel's testimony strongly supported the School Board's contention that the racial separation which the Board admitted existed in the City's public schools had resulted from demographic factors beyond the School System's control, rather than from Board policy.

In addressing the issue of remedies which might be imposed in the school desegregation case, Wendel cautioned against the dangers of a plan based on city-wide racial quotas. In testimony based largely on a study of school desegregation in three metropolitan areas which was sponsored by the Danforth Foundation and conducted under his direction, Wendel warned against the possibility of producing neighborhood instability and "white flight" through the imposition of a desegregation plan which attempted to distribute the small number of remaining white students through a largely black school system. Wendel advocated metropolitan desegregation remedies for school systems which found themselves in circumstances like those of the St. Louis Public Schools.

During the course of Wendel's testimony, Judge James Meredith, in an unusual conference with attorneys, lectured them on the practicalities of

the current desegregation case. Calling counsel for all of the parties to the bench, Meredith outlined the problems he saw developing in the case. The essence of the problem addressed by Meredith was whether the schools could be desegregated even if constitutional violation was found and a desegregation effort undertaken.

"Everyone concedes that segregation is here," the judge said, but he enumerated three major questions which would have to be answered in light of that existing segregation:

- Whether the segregation which exists in the school system is an outgrowth of social and economic forces beyond the Board's control, or the result of specific actions by the St. Louis Board of Education.
- Whether the Court has any power to order a desegregation remedy if school system liability is not found.
- Whether, given the demographics of the City of St. Louis, a plan can be devised which will effectively and lastingly desegregate the schools.

Meredith advised the attorneys that their written briefs should address those three specific points, and added the admonition that the briefs be "very, very specific." The judge did not, he said, want to have to dig through the entire record to recheck every point.

Under questioning from Justice Department attorney J. Gerald Hebert during cross-examination, Wendel stated that he believed orderly desegregation could be a factor in attracting whites to the City and its public school system, and be a plus for the neighborhoods.

The third witness to testify for the Board of Education in this segment of the desegregation trial was the Board's educational expert, Clifford P. Hooker, a professor of educational administration at the University of Minnesota.

Couching his testimony in the observation that the desegregation problems in the St. Louis school system were some of the most complex he had encountered, Hooker elaborated on issues related to neighborhood stability raised by the previous witness and addressed himself mainly to the question of "white flight." Nearly three days of the hearings were devoted to Hooker's examination.

Hooker began his lengthy testimony with a defense of the neighborhood school concept, and the assertion that he believed that voluntary desegregation programs were more in line with the American political tradition than mandatory, court-ordered programs. The neighborhood school, said Hooker, is "as traditional in American education as McGuffey's reader."

Quickly the examination of Hooker came to focus on the phenomenon of "white flight" -- the alleged rapid departure of white students from a desegregated or desegregating school system. It was Hooker's contention that large-scale, court-ordered desegregation plans, particularly those which entailed a great deal of busing, would inevitably lead to "white flight" and the evolution of a virtually all black school system. Hooker also contended there had been no evidence generated which showed that school integration had a favorable effect on the achievement level of black students.

The School System's "junior high school" plan was defended by Hooker as being reasonable, because it did not attempt to move young children

out of their neighborhoods. He criticized the desegregation plans proposed by each of the three plaintiffs in the case which called for school system integration.

Repeating his general opposition to "massive busing," Hooker most strongly attacked the NAACP plan. Branding it the most disastrous of any of the available options, Hooker charged that Michael Stolee, the author of the plan, suffered from "gross naivete" regarding desegregation research on the achievement levels of black students following school desegregation. Somewhat less stringent criticism was leveled against the plans of the other two plaintiffs. The plan of the Concerned Parents of North St. Louis was criticized as being based on an "unreasonable" calculation of excess space, and the Justice Department, Hooker alleged, used invalid arguments to counter contentions that a large-scale desegregation plan would result in "white flight".

A large portion of Hooker's examination was devoted to discussion of the technicalities of various research methods used in studies of "white flight". Directed in part by a series of written suggestions from Christine Rossell, a Boston University political science professor whose work discounts many conventional "white flight" arguments, Justice Department attorney Gerald Hebert led Hooker through an intricate discussion of research methods.

At one point Hooker attacked the research methods employed by Rossell as "extremely simplistic," and stated she had been severely criticized for their use. When pressed by Hebert to enumerate those who had been critical, Hooker, after a pause, named only himself. Hebert then asked Hooker to explain the research methods used in several of the studies he had discussed relating to the questions of "white flight".

Hooker was unable to explain the statistical methods used in those studies, and when questioned by Hebert as to whether it was not necessary to understand the research methods to determine the validity of a study, Hooker responded that he understood the results and would be able to explain them.

Richard Fields, attorney for the National Association for the Advancement of Colored People, centered his cross-examination on questions related to the desegregation research of James S. Coleman. Coleman is a researcher whose work provided much of the academic foundation for U.S. Commission on Civil Rights reports supporting desegregation in the 1960's, but who in recent years has published studies tying mandatory desegregation plans to "white flight". Fields quoted Coleman as saying that, where school boards were found guilty of intentional segregation, the courts should be blind to speculation on "white flight" or academic achievement. Fields than asked Hooker if he would agree that if School Board violation were to be found the court "should be blind to data such as white flight and achievement". Hooker's response was that he agreed.

In his cross-examination, Anthony J. Sestric, attorney for the Concerned Parents for Neighborhood Schools, focused on the issue of possible discriminatory effects of the racial balance requirements imposed by HEW on the magnet schools.

The second week of testimony in the fourth segment of the desegregation trial was concluded with the appearance of the former mayor of the City of St. Louis, John H. Poelker.

Poelker's testimony centered on his view of the political realities of school desegregation, and he urged that practicalities rather than

theory prevail. "You can mandate a desegregation plan -- but you can't mandate that people will accept it," the former mayor said.

Much of Poelker's testimony was based on his own experience as a resident in a north side neighborhood from 1946 to 1974. During his residency there, the neighborhood turned from all-white to 95 percent black, and the parochial school his children attended changed first to 50 percent black, and then rapidly to 90 percent black. White flight, however regretable, is a fact, Poelker said.

In addressing the nature of a desegregation plan which might be ordered by the court, the former mayor said that it would "serve little purpose to embark on a program -- spending taxpayers money -- that's simply going to force people to abandon the system." He labeled any plan aimed at establishing the system-wide racial ratio in each individual school as "overkill", and argued for a metropolitan remedy. A plan limited to the City would cause parents of school children to look to other parts of the metropolitan area to relocate, Poelker stated.

Attorneys for the St. Louis Board of Education concluded presentation of the Board's case by calling Daniel L. Schlafly as their final witness. Schlafly is a prominent area businessman who has served as a school board member for 25 years, and has been president of the Board on four occasions. Because Schlafly was elected in 1953 and has been the only Board member or high-ranking system administrator whose tenure has extended over the entire period from the 1954 Brown decision to the present, the expectation was that he would be the witness best able to address the issues of historical Board practices and the question of school system liability.

Schlafly testified strongly in defense of Board actions during the period in question. Painting a picture of the school system beseiged by rapidly expanding student population and in the midst of a radical shift in racial composition, he characterized the Board's primary focus over the 15-year period from 1955-1970 as a struggle to keep roofs over students heads. "We've lived demographics since 1955," Schlafly said. During Schlafly's service on the Board, the racial composition of the City's public schools shifted from 65 percent white and 35 percent black in 1954 to the 72/28 black-white ratio which prevailed during the 1977-78 school year. Total enrollment, which peaked at approximately 115,000 during those years, had dropped to 78,852 by the end of the period.

Schlafly defended Board policy, saying that the school system had never been run with an intent to discriminate, and that the Board "did the best we could". He was critical of the lack of instruction or direction coming from the State of Missouri and federal agencies. In the face of declining tax base, geographic confinement imposed by governmental separation from St. Louis County, and federal housing policies that contributed to segregation, both federal and state agencies failed to provide help of any kind to the school system, Schlafly complained. He further accused the federal government of "hypocrisy that to me is beyond belief" because of its housing policies which contributed to racial isolation in both neighborhoods and schools. The Justice Department later contended in a post-trial beief that, while discriminatory federal policies have been shown to exist in some instances, the St. Louis case represented a prime example of a situation in which a school board acted in tandem with the housing authority to perpetuate racial residential segregation.

In examination which covered point-by-point each of the Board policies or practices which plaintiffs have alleged indicate Board intent to perpetuate racial isolation, Schlafly offered an explanation for the policy based on factors other than intent to discriminate.

Much of the questioning centered on the school construction policies followed by the Board during the 1960's -- policies which plaintiffs contended were designed to contain minority school population. Schlafly argued that the schools were built in areas where they were needed -- where the heaviest concentrations of students were -- and where the demands of federal policy or local voters called for the school construction. Schools built with Title I funds had to be in poverty areas where the children who they were to serve lived, said Schlafly. As for those schools built with revenues from bond issues, Schlafly said they were built where the voters -- especially black voters -- demanded them. The former Board president pointed out that the 1962 bond issue, which had generated the funds with which to build most of the schools in question, had specified the location of the proposed schools, and that the bond issue had received its heaviest support in the black wards. In later cross-examination, Anthony Sestric, attorney for the Concerned Parents for Neighborhood Schools, added the note that the 1962 bond issue campaign had among its leaders Dr. Jerome Williams and Mrs. Margaret Bush Wilson, members of the St. Louis Chapter of the NAACP. Mrs. Wilson now serves as chairperson of the national NAACP.

Schlafly's comments on busing, which the School System has only employed to reduce overcrowding and never directly to improve racial balance, were succinct. "Nobody wanted, and nobody wants, busing," he said.

The explanation for the "in tact" busing which took place in the early 1960's -- a system in which black students and their teachers were bused from the northside into available space in southside schools as classroom units and kept in those self-contained units for the entire school day -- was that the late arrival of buses from the northside necessitated such an arrangement.

Schlafly's cross-examination by Joseph S. McDuffie, an attorney for the Concerned Parents of North St. Louis, focused on two issues related to the question of school desegregation during the 1960's. McDuffie first attempted to question Schlafly on reports prepared for the St. Louis School Board by staff in 1967 and 1968. Those reports, McDuffie said, concluded that busing was a practical tool for achieving desegregation while simultaneously relieving overcrowding, and that the school construction policy of the Board resulted in smaller attendance boundaries which tended to make schools more uniracial. Schlafly's response was that he was unfamiliar with those studies.

McDuffie then raised the issue of a response to a 1963 suit brought by a group of black parents who were challenging the Board's "in tact" busing policy. It was McDuffie's contention that in responding to that suit, five members of the Board of Education had issued a separate statement from that formally issued by the School Board that said, in part, that the Board had "allowed racial segregation to exist in the St. Louis school system and failed to take certain steps reasonably available to them to eliminate, minimize, or alleviate such segregation." Again, it was Schlafly's response that he was unable to recall such a statement, although he was Board president at the time.

The final witness to testify during the March segment of the trial was Norbury Wayman, historian for the planning body for the City of St. Louis, the Community Development Agency. Mr. Wayman's testimony initiated presentation of the City of St. Louis' case.

In testimony which took about one-half day, Wayman delineated the boundaries and described the characteristics of the 27 historical neighborhoods into which he has categorized the City. The apparent intent of Wayman's testimony was to demonstrate that the City had recognizable and definable neighborhoods which ought be served by neighborhood schools.

After the completion of the testimony on neighborhood composition, the fourth segment of the trial was recessed to resume for its next primary segment on Monday, May 8.

In mid-April, U.S. District Judge James H. Meredith turned down a request from the NAACP to resume the trial immediately. The NAACP sought the early resumption in an attempt to facilitate implementation of a desegregation plan by Fall of 1978. Meredith ruled that the trial would resume on May 8 as originally scheduled.

At the same time, a separate court order was filed allowing the St. Louis Public Schools to continue operation of the Magnet School Program during the 1978-79 school year.

The Fifth Segment of the Desegregation Trial: May 8 to 26, 1978

What proved to be the final segment of the school desegregation trial began when court convened on May 8. Federal Judge James Meredith announced when court reconvened that the trial would run continuously until the completion of the case. The fifth trial segment ran on-and-off through the 26th of the month.

The City of St. Louis continued presentation of its case calling Peter A. Morrison, a demographer for the Rand Corporation, to the stand. Morrison's demographic testimony closely paralleled that given by expert witnesses for the School Board.

Segregation within the City schools was attributable to population trends which were beyond the control of the Board of Education, said Morrison, repeating a theme now familiar in the trial. The gist of Morrison's day-long testimony was that the loss of white population had made racial isolation in the St. Louis schools inevitable.

In response to a question from opposing counsel regarding the relevance of Morrison's testimony, assistant City Counselor Charles Kunderer cited a Supreme Court decision in an Austin, Texas school desegregation case in which the court held that a school district could not be judged accountable for segregated housing patterns over which they have no control.

The next witness to testify for the City of St. Louis was Sue K. Dubman, president of the St. Louis Research Group. Dubman's testimony was confined to description and analysis of a survey her firm had conducted under contract for the City of St. Louis. Completed in the Fall of 1977, the survey cost the City $24,000.

The survey was designed to gauge the probable responses of St. Louis residents to several types of desegregation plans. The bulk of the attorney's examination centered on the study's findings relating to imposition of a desegregation plan which entailed large-scale busing.

In surveying 400 black and 400 white families, "a geographically representative sampling," interviewers had asked about the families' probable response to both limited and extensive desegregation plans.

The survey concluded that if a busing plan were put into effect about two percent of the population intended to move from the City. Such a population shift would result in a 26 percent enrollment reduction in the City's Public schools. Following imposition of a busing plan, the study gave a profile of a City school system which after a few years had a total of 58,915 students -- 41,693 (88 percent) black and 7,222 (12 percent) white. In addition to outright movement from the City, the study projected exit from the public school system by white students through a variety of other means. Most notably, 42 percent of white parents said they would enroll their children in private or parochial schools if a busing plan was put into effect. Dubman projected a 70 percent loss in the number of white students now in the public schools.

Attorneys for the block of plaintiffs arguing for desegregation attacked the study's validity on a number of grounds. Justice Department attorney Thomas Yannucci labeled the findings speculative and attacked the survey methods used. Yannucci said there was a difference between what people idly said they would do and what they actually did. He also was critical of the fact that the survey instrument was not based on the plans before the court in the St. Louis case, but offered hypothetical plans to which to react.

Yannucci was most critical of the fact that the survey questionnaire offered transfer to private or parochial schools as an available escape route from the City public schools. That option had been chosen by 43 percent of the parents who said they would remove their children from the City schools in the face of a busing plan. Producing a 1974 policy statement by the St. Louis Archdiocesan Board of Education saying that

the Catholic schools would not accept students transferring from the public schools to escape a court-imposed desegregation plan, Yannucci asked Dubman if she was familiar with the policy. She was not, she said. Under further questioning, Dubman said she thought awareness of the Catholic schools transfer policy, a fact which limited the options available to parents, would have changed their responses to the survey questionnaire.

Regardless, however, of the findings and methods of the St. Louis Research Group study, Yannucci claimed they had no bearing on the case. "White flight is irrelevant to this case as a defense," he said. "Other federal courts have said that it is no defense."

The City of St. Louis completed presentation of its case by calling two witnesses who are employees of the City's Health Division. Jeanette Hooker, director of the City's child development program, and Sister Marian Disch, S.L., a parenting instructor in that program, were examined by Assistant City Counselor Charles Kunderer. In presentation of the two witnesses, Kunderer said he was trying to demonstrate that many children come into the St. Louis Public Schools afflicted with developmental lags that the school system cannot make up, and should not, therefore, be held accountable for possible differences in students' achievement levels.

The attorneys for the Justice Department moved to strike Hooker's testimony as irrelevant to the case, and that motion was granted by the judge. The Disch testimony was allowed to stand in the record, but cross-examination was very brief.

On Wednesday, May 10, the Concerned Parents for Neighborhood Schools began presentation of their case. Attorney Anthony Sestric called the

deputy director for planning and programming of the City's Community Development Agency, Dale Ruthsatz, as the first of a dozen witnesses.

Ruthsatz' testimony centered on the issue of neighborhood stability. Using such indicators as the quality of housing stock, crime rates, activity of neighborhood organizations, and job opportunities, Ruthsatz characterized the predominantly white southside as significantly more stable than the predominantly black northside. Neighborhood schools, said Ruthsatz, were an important factor in that stability.

Much of Ruthsatz' testimony, particularly that which related to north and south side crime statistics, was admitted into the court record over the objections of attorneys for the Justice Department, NAACP, and the Concerned Parents of North St. Louis. While opposing attorneys claimed the crime data were not relevant, Sestric appeared to argue that the safety of children should be an important consideration in reviewing proposed desegregation plans, and that movement into high crime areas could affect children's safety.

The focus of the trial remained on crime statistics as the next witness was called. Arthur C. Meyers, a professor of economics at St. Louis University who has served for many years as a consultant to the St. Louis Police Department in the compilation of crime statistics, testified briefly.

Again, the issue of crime rates brought strenuous objections from opposing attorneys. "No one but Mr. Sestric has suggested that children are not safe in the schools," said NAACP attorney Richard Fields. U.S. District Judge James H. Meredith allowed the testimony, however, saying "I have some questions about the relevancy, but I will permit you to proceed."

Meyers testified on the procedures used to compile crime data and verified several exhibits, and was not examined further.

Terrence Beiter, head of the Comprehensive Planning Division of the Community Development Agency, followed Meyers to the stand. Beiter's testimony was similar to that of the previous witness from CDA, Dale Ruthsatz, focusing on the same issues but delving into greater technical detail and covering a different time period.

As the desegregation trial began its twelfth week, housing policies and patterns in the City of St. Louis became the primary focus of examination. With attorneys for the U.S. Justice Department, the NAACP, and Concerned Parents of North St. Louis objecting that testimony on the topic was irrelevant and would be repetitious, and Judge Meredith pleading for abbreviation of the testimony, Sestric argued "part of the problem is to understand why people are where they are and why they move... the primary question is whether the School Board did anything to affect the location of people. Our contention is they did not".

At the judge's request, attorneys for the various parties recessed to see if there were any facts related to housing on which they could mutually agree, so that testimony could be curtailed. They reported back to Meredith that the only thing to which they could all stipulate was that public housing projects existed and that they were federally funded.

In testimony which took a little more than one-half day, a series of witnesses from various St. Louis housing and redevelopment agencies was called to the stand. They testified on St. Louis housing, redevelopment, and renewal policies from 1940 to the present.

Manuel Kramer of the Land Clearance for Redevelopment Authority testified, explaining the "blighting" procedures that must be followed before receiving redevelopment funds. He outlined that process from planning through application to approval by the Board of Alderman and discussed the role of the Department of Housing and Urban Development in approving or disapproving such plans.

Ozeus S. Flagg, community relations officer for the St. Louis Redevelopment Authority, answered a series of questions about planning, redevelopment, relocation, and funding policies in the City's West End Renewal Area.

Thomas P. Costello, executive director of the St. Louis Housing Authority, testified regarding the rent structures, tenant selection procedures, and financial practices of the Authority.

James Murray, of the Redevelopment Authority, testified giving specific information on the planning of the La Salle Park Redevelopment Area.

The final witness of the day was Gary Vernon Jones, a parent with children in the St. Louis Public Schools. Jones testified regarding the experience of his children in the system's magnet school program. It was Jones' feeling that the admission and transfer policies of the magnet program discriminated against his children.

During the 1976-77 school year Jones' two children attended the Stix magnet school where they had transferred from their home school of Adams. They were denied readmission to Stix for the 1977-78 school year because of federal regulations which established admission policies for the federally financed magnet program. Federal guidelines did not permit attendance at the magnet schools in instances in which such admissions

would increase racial imbalance at the student's home school. Between the 1976-77 and 1977-78 school years the percentage of black students at Adams School had increased, so at the outset of the '77-'78 school year the Jones' children were more needed at their home school (Adams) to reduce racial isolation than at the magnet school (Stix). They were not, therefore, allowed to return to Stix School which they had attended the previous year.

Jones said he did not want his children to return to Adams because of what he perceived as lax discipline and frequent fights. He testified that he had made plans to move from the school district, and that in the 1978-79 school year his children would be in attendance in a non-urban school system. Jones' testimony suggested that there was an element of discrimination in federal guidelines to improve racial mix in the public schools and that further similar programmatic attempts to reduce racial isolation in the school system could lead to additional movement from the St. Louis Public Schools.

Once again the focus of the trial returned to issues related to crime and security when the security coordinator for the St. Louis Public Schools, Robert A. Hughes, was called to testify. Hughes' testimony centered on disciplinary problems and "police incidents" which occurred in individual schools.

In the Tuesday afternoon session of the trial, Terrence M. Beiter of the Community Development Agency was recalled to testify further on maps prepared by CDA reflecting housing and demographic characteristics of the City. Although some of the cross-examination centered on the methods CDA had used to compile the data and on their accuracy, Richard Fields,

attorney for the NAACP, directed much of his questioning at how the Community Development Agency had come to prepare the maps for the Concerned Parents for Neighborhood Schools. Beiter said the maps had been prepared with the approval of Dale Ruthsatz, associate director of planning for the Agency. Ruthsatz, Beiter said, had cleared the matter with Charles P. Kindelberger, director of planning and programming.

The desegregation trial was in recess on Wednesday, May 17, to allow the deposition of James Armstrong Scott to be taken. Scott, whose name had arisen on numerous occassions in the course of trial testimony, was the Board of Education employee who redrew school district attendance boundaries following the 1954 Brown decision of the Supreme Court. Elderly and infirm, Scott was not able to appear in court and Judge Meredith ordered, over the objections of the NAACP and Justice Department, that his testimony be taken in the form of a deposition at Scott's home. The signficance of the deposition seemed to lie in Scott's assertion that race was not taken into consideration as a factor in redrawing school attendance boundaries after the 1954 Supreme Court decision on school desegregation. That statement by Scott was interpreted variously by attorneys for the parties in the case.

When the trial resumed on Thursday, May 18, John W. Letson appeared as an educational expert for the Concerned Parents for Neighborhood Schools. Letson, who served as superintendent of the Atlanta public schools for 17 years and is currently dean of education at Georgia's Valdosta State College, was on the witness stand for more than a day.

Letson's testimony centered on his views on the stability of large-scale desegregation plans. It was not possible, Letson said, for any

desegregation plan which attempted to distribute the remaining white students in the City schools throughout the system to maintain racial stability. He viewed "white flight" as the inevitable outcome of any such plan.

Citing the transition of the Atlanta schools from 45 percent black at the time the first desegregation plan was initiated in 1961 to 80 percent black in 1977, he predicted the same phenomenon would occur in St. Louis if a broad desegregation remedy were imposed. "Any time you place the white school population in the minority percentage it's not going to be stable," Letson said.

The former Atlanta school superintendent testified that the St. Louis Public Schools had been regarded as a model for quick and comprehensive desegregation following the 1954 Brown decision. What Letson viewed as St. Louis' past progressive history and its lack of the deep southern tradition of Atlanta would, he said, probably preclude mass resistance to new desegregation plans or active disruption of schools, but he said that while the reaction in St. Louis would be less dramatic than in Atlanta, it would be just as final. He viewed that finality as a nearly all black school system.

Letson placed the much discussed "tipping point" at 35 percent. Schools began to lose stability as the percentage of black enrollment approached 30 percent, Letson had concluded, and as that percentage reached and passed 35 percent it was almost inevitable, he said, that the school would become predominantly or all black. It was Letson's observation that black parents would allow their children to attend predominantly white schools, but that white parents would not allow their children to attend predominantly black schools.

In his cross-examination, Justice Department attorney J. Gerald Hebert pressed the question of whether the sharp increase in the percentage of black student enrollment in the Atlanta public schools was in fact traceable to mandatory desegregation plans as Letson suggested. Hebert offered the interpretation that the phenonenon was largely attributable to a great influx of black population into Atlanta caused by people who were seeking employment as the rural job market contracted.

The final week of the desegregation trial opened May 22, 1978 with the appearance of Gary Orfield as a rebuttal witness for the Government. Orfield, who is currently on the faculty of the University of Illinois, has an extensive background in the field of school desegregation. In addition to his appointment as a court-appointed expert in the Los Angeles school desegregation case, Orfield has served in Illinois as chairman of the State Board of Education's Technical Assistance Committee on the Chicago Desegregation Plan and has done research on school desegregation at the Brookings Institution and while a scholar-in-residence at the U.S. Commission on Civil Rights.

J. Gerald Hebert, attorney for the U.S. Justice Department, prefaced his examination of Orfield with remarks to the court concerning the nature of Orfield's testimony. Orfield would not, said Hebert, testify in support of the Government plan or to defend that plan. Instead the focus of the examination would be on the types of remedial approaches to desegregation which were available to a large, urban and predominantly black school system such as St. Louis. Hebert surprised Court observers with his characterization of the Justice Department's own plan as "... such a

skeleton proposal leaving so much to the discretion of the Board (of Education) that it probably isn't even a desegregation plan at this stage."

It also appeared to a number of trial analysts that Hebert's direct examination of Orfield, which seemed to stress the complex and delicate nature of school desegregation efforts in cases like that of the St. Louis schools, represented a shift in emphasis in the Justice Department's previously perceived position on the question of remedy. While the Justice Department continued to argue that there had been constitutional violation on the part of the School System, for the first time in the trial there appeared to be some conceptual divergence between the Department and other plaintiffs arguing for a court imposed desegregation remedy.

Responding to Hebert's questions, Orfield's testimony appeared to considerably broaden the range of alternative remedies that would be regarded as constitutionally acceptable by the Department of Justice. Orfield, in his testimony, characterized the desegregation of large, urban, predominantly black public school systems, such as the St. Louis system, as a delicate and complex problem, but he argued that a significant degree of integration could be achieved.

A primary theme of the Orfield testimony was that comprehensive, rather than limited, desegregation plans were the most likely to produce lasting integration and demographic stability. He strongly advocated the use of metropolitan remedies, and outlined models for voluntary interdistrict plans which a state board of education could initiate independently of a court finding of violation implicating suburban school districts. State-financed, metropolitan, voluntary choice plans and interdistrict magnet school programs figured heavily in these options.

On the specific question of racial balance within the City schools, Orfield predicted some continued increase in the percentage of black enrollment in the St. Louis school system. That phenomenon would occur, he said, regardless of whether or not a court-ordered desegregation plan was imposed and was attributable to differences in the age structure and birthrates between the black and white components of the population. The high degree of racial imbalance within the system as a whole (the system was approximately 72 percent black and 28 percent white in 1977-78), and the likelihood of at least some increase in that disparity, led Orfield to conclude that significant but not complete desegregation could be achieved within the system. It was his view that all schools could not be desegregated, and that it would be unreasonable to attempt to produce a racial balance in every school related proportionately to that of the overall system. He did, however, propose a plan for the creation of a number of schools in the central city with approximately 50/50 black/white racial enrollments.

In testimony on the specific nature of desegregation remedies, Orfield advised that schools and neighborhoods which were already racially mixed be protected and excluded from court-ordered desegregation plans. He praised the City's Magnet School Program as being educationally sound but said that it had only limited value as a desegregation tool. The Board of Education's proposed "junior high school" plan drew criticism for involving students at a stage too late for them to easily realize the benefits of desegregation. School board plans in general were characterized as being "elaborate on the educational side and weak on the desegregation side".

In addition to his observations on the substance of desegregation remedies, Orfield offered several recommendations on how those remedies are best formulated.

It was his suggestion that demographic patterns be carefully analyzed and that it was important to pay particular attention to metropolitan-wide population movements. Orfield noted that in the St. Louis case more detailed demographic work had been done than any place else he had observed.

The court was urged to employ the services of experts and social scientists in a fashion which was non-adversarial, and Orfield advised involvement of the community in all aspects of desegregation planning.

Finally, Orfield argued that desegregation planning should begin during the course of litigation. The strong likelihood in a school desegregation case was that liability would be found, Orfield contended, and it was his opinion that given that probability, responsibility demanded that planning and preparation be undertaken. The school system should be involved in that process, said Orfield, but the system's reluctance should not deter others from planning.

Cross-examination of Orfield focused on two primary areas -- the legal limitations on metropolitan remedies and the nature of his previous academic and political activities.

The Concerned Parents for Neighborhood Schools concluded presentation of their case with the appearance of High Sheik Antar Tiari of the Fahamme Temples of Lillahi-Ra. Tiari was called as a rebuttal witness by the parents group to add support to their arguments for the maintenance of neighborhood schools.

Returning repeatedly to his belief in the desirability of educating children in their own neighborhoods, Tiari said it was the responsibility of the school system to deliver a complete range of educational services in each of its schools. Children should then, he said, be educated in their neighborhood schools.

"Black teachers, black children, and black parents need to become more interested in things going on in their own communities," the High Sheik stated. "It is not my opinion," said Tiari, "that the school district is responsible for inherent problems already existing in a community, like neglect by parents and apathy. Problems should be solved by the people who have the problems."

Tiari also expressed his feeling that busing black children from their neighborhood would give the children the idea that their own schools and neighborhoods were not good enough. Educational achievement by blacks can be improved by more parental and teacher commitment, but not by busing students, he said.

In response to a question by Richard Fields, attorney for the NAACP, as to whether he believed City schools should remain segregated by race, Tiari said it was his belief that the educational system should be segregated by community. If that resulted in racial isolation, he had no objection.

The final witness to appear in the trial was Frank B. Avesing, a sociologist and demographer at the Center for Urban Programs at St. Louis University. It had not been expected that Avesing would testify in the trial.

NAACP attorneys had scheduled the testimony of Carl Tauber, a demographer from the University of Wisconsin, as a rebuttal witness to conclude the trial proceedings and Avesing was in the courtroom to observe Tauber's testimony. When a schedule conflict prevented Tauber's appearance, Avesing was called to the stand.

Avesing's testimony focused on what were described as "race lines" -- geographical racial boundaries established by social and political policies and practices. Examination of Avesing centered on such boundaries and their effect on the racial composition of the St. Louis Public Schools.

Following the Avesing testimony, Judge James Meredith issued a set of procedural instructions to the attorneys. Summary briefs in the case were to be filed by August 1, 1978, and reply briefs were to be submitted by September 15 (the court later extended the deadline for summary briefs to August 15 and for reply briefs to October 30). Concluding oral arguments in the case were to be scheduled sometime in the Fall of 1978. It was believed that a ruling in the case would be forthcoming in the late Fall of 1978 or Winter of 1979.

After the issuance of these instructions, the 13-week long trial proceedings in the St. Louis school desegregation case concluded on Friday, May 26, 1978. Forty-nine witnesses had appeared, with their testimony filling 90 volumes of trial transcript. More than 1,200 documents and maps had been entered into evidence as exhibits.

Challenges to the Staff Balance Provision of the Consent Decree During the Summer of 1978

Following the conclusion of trial proceedings in the school desegregation case, the next round of legal activity came to focus on the

provision of the 1975 Consent Decree which required that each school in the St. Louis system have a minimum of 30 percent minority staff (defined in terms of the predominant racial majority at each individual school) during the 1978-79 school year. That legal maneuvering continued throughout the summer.

The first challenge to the staff balance provision of the decree that came to light was in mid-June, when a class action suit asking that the school system's proposed implementation of the transfer requirements be overturned and seeking 10 million dollars in damages was filed in St. Louis Circuit Court.

With the prospect of 360 teachers and 260 other employees of the St. Louis Public Schools being transferred prior to the beginning of the 1978-79 school year to meet the staff balance provision of the Consent Decree, a group of nine Board employees, both teachers and support staff, filed the suit to halt the transfers. The group contended that the transfers were unconstitutional because they were based solely on race, and that carrying out the proposed transfers would violate the 14th amendment of the U.S. Constitution, federal and state anti-desegregation laws, and St. Louis City ordinances. Monetary damages were also sought.

The group was represented legally by Anthony J. Sestric, the same attorney who was counsel for the Concerned Parents for Neighborhood Schools, a party to the desegregation suit. Sestric argued that there was no legal basis for the transfers since there had been no finding of school system liability.

From the outset the suit was regarded as something of a legal curiosity, in that it contested a matter under the jurisdiction of a federal

district court in a state circuit court. Moreover, the suit was similar to objections filed in 1976 by two St. Louis teachers groups, the St. Louis Teachers' Union (Local 420 of the American Federation of Teachers) and the St. Louis Teachers' Association. The original objections of those groups had been dismissed by Federal District Judge James Meredith. Evelyn W. Battle, president of the St. Louis Teachers' Union, said the Union had since worked out a fair and orderly plan for teacher transfers with the School System and had no interest in the current suit.

There was speculation among court observers that the suit may have been filed as a stalling tactic to see if the upcoming decision of the Supreme Court in the Baake case would have any bearing on the staff balance provision.

After an original hearing date had been set by Circuit Judge Michael F. Godfrey in Missouri state court, action on a removal petition filed by the school board transferred the case back to the Federal District Court of Judge James H. Meredith. The St. Louis Board of Education then filed a motion with Meredith's court asking that the suit be dismissed. The suit, Board attorneys argued, would take the authority for personnel transfers away from the school system and give it to teachers and staff.

Following the filing of the employees' suit seeking to overturn the staff balance provision of the consent decree, it came to public attention that the Board of Education itself had petitioned the court for a modification in the third-year staff balance provision. In a letter to Meredith dated June 7, 1978, Board attorneys asked that the 30 percent requirement for minority staff in each school in the 1978 school year be reduced to no lower than 25 percent in some elementary schools. The 30 percent

requirement would be met in the system's high schools. The petition cited a concern of system administrators about the detrimental effect of the transfers on "specialized and innovative programs of considerable educational value".

It was stressed that the request was only for a delay in meeting the 30 percent goal, and that the School System would be able to eventually comply fully with the staff balance provision of the decree. That compliance could be achieved more naturally without uprooting established teachers through a process of new hiring, and attrition and replacement, said the Board.

As the second week of August neared an end, there had been no ruling on the School Board's request for a variance in the staff balance provision of the consent decree, or on the employees' suit to overturn the decree provision. It was at that time that a new motion related to the transfers was made.

Anthony J. Sestric, acting now in his capacity as counsel for the Concerned Parents for Neighborhood Schools, filed a motion in federal district court asking that further transfers be stayed and delayed until a final ruling was made in the case. Argument in the motion was that the staffs of the St. Louis Public Schools were becoming racially unstable because of transfer policies based on racial quotas.

Judge James Meredith acted on the school employees suit challenging the transfers ordered under the consent decree. That suit was dismissed with Meredith declaring that it had "virtually no probability of success" under either Missouri or federal law. Furthermore, the judge said the

employees previously had ample time to intervene following issuance of the 1975 decree. Earlier in the summer, the 7th Circuit Court of Appeals had ruled against teachers in a similar suit in Chicago. The appeals court cited state laws giving school boards the implied right to assign teachers at the board's discretion.

Sestric announced that an immediate appeal would be filed on the dismissal. The judge, Sestric said, had not ruled on the question of jurisdiction in the case, nor had he concluded that all of the transfers were necessary.

Community Activities in 1978 Related to the Desegregation Issue

In addition to the legal activity and court proceedings which took place during the Spring and Summer of 1978, there was continued and somewhat intensified activity in the community focusing on the issue of school desegregation.

In early spring, the organizational effort which had been initiated by the Danforth Foundation to increase community involvement in the desegregation question went through another stage of structural refinement with the establishment of an Interim Steering Committee. That committee was comprised of some 30 prominent area citizens many of whom had been involved in earlier stages of the Danforth effort. It met for the first time on April 7, 1978.

In order to facilitate the committee's operations, three chairpersons and an executive committee were elected. DeVerne L. Calloway, a Missouri State Representative, John B. Ervin, Vice President of the Danforth Foundation, and W. L. Hadley Griffin, Chairman of the Board and President of Brown Group, Inc., were elected to chair the group. The chairpersons

served on the executive committee, which also included William Douthit, Executive Director of the St. Louis Urban League, Howard Etling, General Manager of the Southside Journal, Mary Greensfelder, President of the League of Women Voters of St. Louis, Suzanne Hart of the St. Louis Board of Police Commissioners, Jerome Shen of the Citizens Education Task Force, and Frederick F. Sweets, Associate Editor of the St. Louis American Newspaper.

The Steering Committee's chairpersons met several times during the spring to clarify the group's purposes and develop a plan for involving a broad range of community groups. Although the chairpersons had originally explored the idea of a single, large, public organizational meeting, they abandoned that strategy in favor of a decision to hold a series of smaller meetings with each involving representatives of eight to ten community groups. John E. LaGrone served as a staff person for the Steering Committee.

On May 19, 1978, John Ervin, Vice President of the Danforth Foundation, issued a statement to the community entitled "The Constructive Response Effort: Where I Stand". In the statement Ervin called for a broadly based community commitment to a constructive response to any forthcoming court-ordered plan for school desegregation. The purpose of an organized community effort to fashion an orderly and peaceful response to school desegregation was, said Ervin, to encourage development of a climate within which the contending parties could deal with their differences in an orderly and legal fashion. The Ervin statement was issued independently of the Steering Committee, although it subsequently was embraced and utilized by that group.

At the end of June, the Interim Citizens Steering Committee held a series of organizational meetings which involved some 30 community groups. In a series of six separate meetings over a period of three days, Steering Committee chairpersons, staff and technical assistants met with representatives of the community organizations. Included among the purposes of the meetings were: 1) briefing the attendees on the status of the desegregation case; 2) encouragement of cooperative community effort to achieve a constructive response; 3) assessment of community needs and willingness to participate; 4) identification of resources to be employed; and 5) development of a tentative timetable for activities.

The outcome of this first round of organizational meetings was a general agreement among participants that a narrowly focused commitment to encouraging a constructive community response to any forthcoming decision of the court was an important and appropriate function for the group to perform. Representatives of participating organizations either committed their group to that goal at the organizational meeting, or expressed support for the idea and said they would seek formal approval from their boards or memberships.

During the course of the first round of meetings, a number of ideas for fashioning a constructive community response and expanding the number of groups involved in that effort were generated. Those suggestions included: 1) involvement of parents, school-related parents groups, and "grassroots" organizations; 2) establishment of an information clearinghouse and speaker's bureau; 3) development of a clearer and more precise scheme for how different types of community organizations might be involved in the effort; and 4) exploration of means through which

financial support for operations might be secured. A second round of organizational meetings to involve additional groups was scheduled, and an initial draft of a public statement supporting constructive response was distributed to the participating community organizations for their consideration.

An earlier public statement had been issued in May of 1978 by the representatives of most of the major religious communities in metropolitan St. Louis. The statement, which was an outcome of the organizational efforts initiated in February of 1978 by the St. Louis chapter of the National Conference of Christians and Jews, called for "a peaceful and constructive response to the desegregation of the St. Louis Public Schools as directed by the court". The Missouri Conference of the United Church of Christ was the only major religious body which declined to sign the statement. In a formal statement issued in reply, that group said it joined other leaders in desiring a peaceful response to any forthcoming court order, but had reservations about standing by and awaiting a court order which "may seek to work at the laudable task of integration by means of mathmetical numerical ratios for mixing students simply on the basis of percentage of white and black". The reply also cited busing as a factor contributing significantly to "white flight" to the suburbs and private and parochial schools.

The Center for Metropolitan Studies at the University of Missouri-St. Louis continued its involvement in the desegregation question during 1978. The primary focus of Center activities remained on efforts to build a mediative base which could provide the foundation for formulation of a desegregation remedy through a process which involved the parties to

the suit, technical assistants, and the court. It was the Center's contention that, in the event school system violation was found and the need for a remedy emerged, the most fair, stable, educationally sound, and politically viable plan could be developed through such a process of joint formulation. It was also argued that a process of plan formulation involving the parties would have the additional benefits of bringing more swift resolution of the issue, reducing the financial and emotional burden of the case on the community, and diminishing the possibility of on-going legal appeals.

In an effort to strengthen the possibility of a jointly formulated settlement, Center staff met with the parties to the case and other community groups which had become involved. The focus of the meetings was on each group's view of the status of the case, possible points of programmatic agreement or compromise, and exploration of possible outcomes and routes to resolution. Informational efforts were continued, with Center staff working to update their written summary of events in the case and providing information and analysis to the community on an on-going basis.

Other Center activities during 1978 entailed provision of technical assistance to those groups concerned with the issue of fashioning a constructive community response to school desegregation, assisting in the Issues Seminars in the School System, and the planning of a series of workshops with parents and others aimed at developing problem-solving skills and producing materials for use by parent groups and school personnel. The primary focus of the materials to be distributed widely by the National Institute of Education, is to be on issue identification and

analysis, and on the provision of the skills necessary to deal constructively with conflicts in school systems.

The Citizens Education Task Force also continued its involvement in issues related to school desegregation during this period. The Task Force produced a series of television programs on the future of urban education, with one of those programs addressing the school desegregation question. Publication of the CETF newsletter on the St. Louis schools was continued, and the Task Force's desegregation committee collaborated with the Danforth Foundation's Interim Citizens Steering Committee in conducting the organizational meetings held in late June.

During the summer, the International Committee Against Racism became a visible actor in the school desegregation issue for the first time, distributing literature supporting school integration and busing as a means of achieving that integration.

The student transfer policies of the St. Louis Archdioceses also surfaced as a factor in the school desegregation question over the course of the summer. A policy adopted by the Archdiocesan School Board four years previously prohibited the acceptance in the system's parochial schools of students attempting to transfer from public schools in districts which were under a court order to desegregate, or in which desegregation litigation was pending. There were two exceptions made to the prohibition against transfers. One allowed transfers for students entering the first grade or freshmen year in high school, terming those grades as "natural transfer points". The other exception allowed transfers in instances in which there was "moral certitude" that the transfer was not being made to escape racial integration.

Apparently a large number of parents, particularly Roman Catholic parents with children in the public schools, had been unaware of the policy or had assumed that it would not be stringently enforced. The summer of 1978 brought hundreds of requests for admission to the Archdiocesan schools from students attending the St. Louis public schools. The great bulk of those applications were denied. It has been alleged by some actors in the desegregation process that the stated Archdiocesan policy has not always been enforced at the parish level.

Reverend John Leibrecht, superintendent of the Archdiocesan school system, reaffirmed the prohibition on public school-to-parochial school transfers. It was, Leibrecht said, necessary to make "crystal clear" where the church stands on desegregation, and to avoid even the appearance that the Catholic schools would become havens for those attempting to escape integration.

Few transfers had been accepted under the "moral certitude" exception because of the difficulty of making that determination -- and the practical problem of accepting some such applications and then having to explain to others why they had not qualified.

Filing of Summary Briefs in the Case

The second and third weeks of August saw the filing of seven summary legal briefs in the St. Louis school desegregation case. Those briefs are essentially attempts at analysis and summation of the 13 weeks of testimony and hundreds of exhibits which have been entered into the court record in the case. Each brief contains the party's arguments and conclusions regarding the issue of liability (whether the St. Louis Public Schools were guilty of constitutional violation in operating in a racially discriminatory fashion) and the party's recommendations for a remedy (the

plan which should be approved by the court to rectify constitutional violation if it is found). The briefs contained few surprises.

Three parties -- the Concerned Parents of North St. Louis, the National Association for the Advancement of Colored People, and the U.S. Department of Justice -- maintained their argument that the Board of Education had operated the public schools in a racially discriminatory and, therefore, unconstitutional fashion. Each of these plaintiffs argued for a specific plan to remedy that violation. Perhaps the most notable feature of the briefs filed by this bloc of plaintiffs was the orientation toward the issue of remedy forwarded in the Justice Department filing.

As noted earlier, in the presentation of their final witness in the trial proceedings, Justice Department attorneys seemed to change somewhat the stance they had taken earlier on the issue of the nature and extent of the plan which should be ordered in remedy. While the Justice Department continued to argue that de jure segregation had occurred, and proposed a plan to remedy that segregation, the court was urged to find a remedy that would "minimize disruptions and the scope of transportation". It was also recommended that the court not completely ignore "a likely danger of an exodus of white students from the school system". That stance contrasted most sharply with that of the NAACP which called for large-scale busing and wide-spread approximation of the city-wide racial ratio in individual schools.

The NAACP and the Concerned Parents of North St. Louis continued to argue for implementation of their previously proposed plans.

A second bloc of three parties -- the St. Louis Board of Education, the Concerned Parents for Neighborhood Schools, and the City of St. Louis -- argued, as they had earlier, that there had been no de jure segregation in the operation of the St. Louis Public Schools. Racial isolation might be found, they argued, but it was attributable to forces beyond the control of the Board of Education, rather than Board intent to discriminate.

The Concerned Parents for Neighborhood Schools and the City both contended that, since no violation on the part of the school system had occurred, it was neither appropriate nor legally feasible to impose a remedy. They proposed no school desegregation plan and the parent's group asked that the provisions of the 1975 Consent Decree be rescinded.

The St. Louis Board of Education, while contending that it was not liable for any segregation which existed, argued for the implementation of the "Junior High School" plan the Board had submitted to the court to fulfil requirements of the 1975 Consent Decree.

In filing a late brief which was accepted by the court, the State of Missouri argued that no unlawful segregative practices by the St. Louis School System had been shown in the litigation. The strongest arguments in the State's brief were addressed, however, to the issue of state liability should the St. Louis Board of Education be judged guilty.

Arguing against the commonly-held assumption that because the state's Department of Education has statutory responsibility for education of children in the state it would also be liable for discriminatory practices in educational administration at the local level, Assistant Attorney General Sheila K. Hyatt stressed that no separate complaint had been

filed against the State, and no state official had been called to testify in the trial. State officials could not be held responsible the brief argued "solely because education might be characterized as a state function."

The contention in the State's brief that evidence in the case "indicated that the determination of pupil assignments and transfers, the drawing of attendance zones and feeder patterns, the selection of sites for schools and additions, and the assignment of faculty are within the discretion of local school officials" contrasted sharply with the conclusions on the same issue reached by attorneys for the Concerned Parents of North St. Louis. Those attorneys argued that through its policies and agents the State of Missouri "knowingly, willfully, and intentionally acquiesced in aiding and abetting financially (the) defendant St. Louis Board of Education in the maintenance of a constitutionally illegal school system."

It was Hyatt's conclusion that, "Finding no liability on the part of the state defendants, this court would possess no power to order them to participate in any remedy that might be ordered." The St. Louis Board of Education has continued to express an interest in state participation in any desegregation plan which might be ordered by the court because of the potential availability of state funds to support such programs.

E.S.A.A. Funding for the 1978-79 School Year

A decision on the amount of Emergency School Aid Act funds the St. Louis Public Schools would receive for operation of its magnet, special, and pilot programs in the 1978-79 school year was delayed until after commencement of the fall term. The funding delay was occasioned by a

dispute between the school district and the Office of Civil Rights of the Department of Health, Education, and Welfare over what O.C.R. viewed as student assignment and transfer practices which were increasing racial isolation in the schools. During the course of the delay on the funding decision, school system administrators were given reason to expect a substantial reduction in the $2.6 million they had applied for, if funds were approved.

In mid-September a compromise on the disputed placement and transfer policies was reached between H.E.W. and the School System, clearing the way for a funding decision. School system administrators agreed to modify the procedures for assignment of students to the system's two tutorial schools, and Secretary of Health, Education, and Welfare Joseph A. Califano, in turn, agreed to issue a waiver of some racial policy requirements for the district.

On September 18, 1978, it was announced that the St. Louis Public Schools would receive slightly over $1.2 million for operation of the magnet schools in the 1978-79 school year. The announced funding was about $1 million less than the school system had sought. The pilot programs were to receive $354,121, in contrast to the $523,326 for which the district had applied. The funds were to become available to the district on September 25.

The immediate reaction to the funding announcement was that it would seriously weaken the Magnet School Program. H.E.W. had recommended a new budget for each of the schools. The budgets called for widespread cutbacks in supplies, libraries, counselors, and teacher aides.

At a special emergency meeting of the Board of Education held on September 20, the Board voted to approve the ESAA budget, but district administrators were also to be sent to Washington to appeal the funding decision and seek additional monies. A motion was passed at the emergency meeting of the Board committing the Board to the principle of establishing instructional services as a top priority. If additional funds were secured, they would be allocated to instructional components of the magnet program. No administrative or support functions would receive funding until all instructional services were in operation.

The visit of district administrators to H.E.W. offices in Washington, D.C., brought a pledge of an additional $200,000 in ESAA funds. The new monies brought the total funding to about 75 percent of what had been originally sought, and allowed the restoration of some key budget items.

Magnet school enrollment during the fall term of the 1978-79 school year was about 4,100 students.

Filing of Reply Briefs and Scheduling of Oral Arguments

The formal legal replies of each of the parties to the summary briefs submitted in August were filed in late October and early November of 1978. The reply briefs submitted by the parties did not introduce any significant new information into the case or reflect any shifts of position on the issues before the court.

After a hiatus of activity in the case which covered several months, final oral arguments were scheduled for February 2, 1979. Following the conclusion of oral arguments the way would be cleared for the court to render a decision.

(Supplement to Resolving the Desegregation Issue in the St. Louis Public Schools - Part II, February 1979. Add as page 52)

Final Oral Arguments: The Close of the Desegregation Case

On February 2, 1979 final oral agruments were held as scheduled in the St. Louis desegregation case. As with the post-trial briefs which were filed, the arguments contained no surprises or significant shifts of position by the parties. The primary character of the arguments forwarded was determined by whether the parties chose to focus their remarks on the question of school system liability or the nature of remedy.

The parties arguing for court-ordered remedy in the St. Louis case -- the original plaintiffs, the NAACP, and the Justice Department -- appeared to adopt a tactic of focusing primarily on the issue of the nature of remedy. Their arguments seemed to suggest that there was little doubt regarding school system liability, and that a finding of violation was a mere formality on the way to fashioning a desegregation plan.

In contrast were the arguments of those parties who contended that there had been no school system liability and that there was no need for court imposed remedy. That bloc of parties consists of the defendant Board of Education, the Concerned Parents for Neighborhood Schools, and the City of St. Louis. The arguments of those groups focused on the lack of support for a finding of liability, with the suggestion that discussion of remedy was superfluous when no violation had occurred.

The State of Missouri maintained its stance that it was not legally implicated in the conduct of the St. Louis Board of Education and, therefore, could not be held liable for violation or responsible for remedy. Assistant Attorney General Hyatt said that the State stood ready, as it had throughout the history of the case, to provide assistance in the process of school desegregation within the context of current state law.

The only question from Judge James Meredith during the half-day proceedings was whether a finding of school system liability was necessary to remedy the exisitng situation.

Oral arguments having concluded, the case was closed clearing the way for a decision in the next several months.

II.

AN ANALYSIS OF ADDITIONAL POLICY CONSIDERATIONS IN RESOLVING THE DESEGREGATION QUESTION

Part I of the Center's report, Resolving the Desegregation Issue in the St. Louis Public Schools (February 1978), offered an analysis of major policy considerations related to the desegregation process. That analysis focused on: 1) problems caused by protraction of the process; 2) the three requirements which must be satisfied by a successful desegregation plan -- constitutional compliance, educational quality, and political viability; and 3) structuring of the plan-formulation process. One intent of that report was to provide a basic analysis of the status of the school desegregation process in St. Louis.

The analysis of policy considerations which is offered here in Part II of the Center's desegregation report is intended to be supplementary and complementary to the initial analysis. The major focus is on policy issues which become germane in fashioning a desegregation remedy. In large part, the issues which are examined are policy questions which emerged in the latter stages of the desegregation trial. Those issues include: 1) socio-economic class as a factor in fashioning a desegregation plan; 2) the limitations of a desegregation plan confined to the City of St. Louis; and 3) metropolitan desegregation remedies.

Socio-economic Class as a Factor in School Desegregation

Socio-economic class is one factor in the school desegregation process on which there is surprisingly little commentary or analysis. It is not difficult to speculate on why the issue of social class is so rarely analyzed, or questions regarding the role it plays in school desegregation even formulated. The issue is one which is intricate and complex, and its introduction into the school desegregation debate is as likely to confuse matters as clarify them. Additionally, treatment of the class issue raises some serious political dangers. It is difficult to say much on the topic without becoming vulnerable to charges of some form of classism and, as analysis progresses to issues which involve race and socio-economic class, that vulnerability is extended to allegations of racism.

Whatever the complexity and sensitivity of the class issue, it is a factor which Center staff have come to view as a key consideration in analyzing, understanding, and resolving the school desegregation question. Because the factor of socio-economic class will emerge as one of the key dynamics in the desegregation process, the issue is one which must be addressed rather than ignored if the community is to intelligently come to grips with its implications.

The class issue is one which is extremely difficult to treat in the realm of policy analysis. There is a constant temptation to wander off into the realm of social philosophy and analytic abstractions. Every effort is made here to avoid those pitfalls and confine analysis to the more concrete workings of the process of school desegregation.

Rather than framing questions related to the class issue academically and abstractly, the clearest understanding probably comes from focusing directly on the impact which the dynamics of socio-economic class have on efforts to fashion desegregation plans. Put most simply and directly, it is the suggestion of this analysis that socio-economic class becomes a factor in school desegregation because of the strong desire of middle class parents to see their children in schools which reflect their middle class values and where other middle class students are in the majority.

The route to securing this goal for most white middle class parents is to maintain the current attendance and placement policies of the school system which they believe have served to provide such educational settings for their children. In sharp contrast are the efforts of many black middle class parents to secure the same educational opportunity for their children. Their goal is the same as that of the white middle class parents, but the route to attainment runs in the opposite direction. Many black middle class parents seek to alter attendance and placement policies that have denied their children the benefits of the middle class school environment which they desire. Though it would be naive to suggest that racial preferences and prejudices do not play a significant role in this behavior, it is the conclusion of the authors of this report that the primary motivation is not racial.

The circumstances surrounding the filing of the initial suit in the St. Louis school desegregation case would seem to support this

interpretation of the role which socio-economic class plays in the desegregation issue.

The incident which precipitated the current St. Louis school desegregation case was the attempt of the St. Louis Public School System to transfer Craton Liddell, the first-named plaintiff in the case, from his neighborhood school. Rather than attending Yeatman School, an all-black school in the middle class neighborhood where his family had moved, Craton Liddell was to be assigned to Bates school, which was all-black and in a less well-to-do neighborhood. It was the contention of the school system that the need to relieve overcrowding at Yeatman School made the transfer necessary. The original plaintiffs in the case have also alleged the transfer was related to the School System's attempts to maintain Title 1 designations for individual schools.

Minnie Liddell, the plaintiff's mother, was distressed by the fact that her son would not be afforded the benefits of the neighborhood school in the middle class area where the family lived. Charging that the attendance and placement policies of the St. Louis Public Schools were racially discriminatory, and that a white child would not be subject to a similar transfer, suit was filed seeking relief from the alleged discrimination.

Center staff think it is of significance to note that the incident which triggered the filing of the suit was related more directly to social class than to race. Either school Craton Liddell attended

would have been effectively all black. His mother's objection was not to the uniracial nature of the school, but to the fact her son would be denied the benefits of his middle class neighborhood school.

The suit filed by the original plaintiffs reflects what Center staff have, after careful analysis, come to view as one of the key dynamics in the school desegregation issue -- the strong motivation of both black and white middle class parents to see their children educated in schools which reflect the parents' middle class values.

Before proceeding further with this discussion of socio-economic class as a factor in school desegregation, it is necessary to add a number of qualifications.

First, there is not always a direct relationship between social class and income. Possession of middle class values does not guarantee that one will receive a concomitant income, or will be assured the other benefits usually associated with that value orientation. The disparity between adherence to higher social values and realization of accompanying benefits is most common in the black population, where racial discrimination historically has served to restrain attainment of material and economic rewards. It is not a safe assumption that everyone from a family with a low income is "lower class." That fact must be kept in mind in making distinctions regarding socio-economic class in those instances when class is weighed as a factor in school desegregation.

Secondly, the reader of this analysis -- particularly the minority reader -- may raise the objection that the implication of the report is

that black population is lower class population. The report makes no such claim. There is no inherent causal relationship between race and social class. There is, however, often a correlation between race and social class in the minority population found in central cities. A higher percentage of the minority population in central cities is likely to fall into the lower socio-economic classes.

The authors of this report believe the reasons for this are clear. Centuries of discriminatory practices have taken their toll in economic deprivation and social disorganization. Moreover, the minority population found in central cities is selective -- it is not representative of the minority population as a whole. Black middle class population has fled the central city faster than white middle class population. The effect has been to reduce the overall socio-economic level of the population which remains there. That is not to say that middle, upper-middle, and upper class black population is not to be found in older central cities. Still further complication is added by ongoing white attitudes which may perceive cultural differences at times as class difference.

As in other cities, difficulties have arisen in St. Louis when the desire of middle class parents to have their children in schools which reflect their educational and social values is coupled with the patterns of population distribution and school attendance which are found in the City itself, and in metropolitan areas as a whole. A brief analysis of some of the primary demographic trends

affecting the St. Louis metropolitan region will serve to illustrate why a problem is created, and why its solution becomes so difficult and complex.

There are two primary phenomena related to population movement and location which have resulted in the current patterns of population distribution which create and complicate the school desegregation problems in St. Louis. Perhaps the most notable of the two phenomena, and the one which has received the most attention, is the rapid out-migration of people from the central cities which began in the early 1950's and has continued until recently. The movement of population was selective, affecting some population groups more than others. Those who were more well-to-do, and not the victims of discrimination, moved from city to suburbs while others stayed behind. The result of this filtering process which, it should be noted, was supported in part by federal and local government programs, was to produce a central city in which the percentage of minority population was high and the percentage of black and white middle class population was low.

In St. Louis, this situation was compounded in the school age population. Much of the middle class population which remained was older and beyond childbearing age. Much of the younger population with school age children was comprised of the poor, minorities, and rural in-migrants. As a result, the percentage of minority population was higher in the schools than the City as a whole, and the percentage of economically secure persons was lower.

Still further complication was added as discriminatory housing barriers began to be eased and economic opportunities for blacks improved in St. Louis. Black middle class population moved from the central city to the suburbs more rapidly than had white. Because discriminatory practices had greatly limited the size of the black middle class, the result of this out-migration was to leave the percentage of minority population in the central city high, but to further reduce the socio-economic status of the black population which remained.

The starting point for any demographic analysis of the St. Louis population, then, is the recognition that the central city is markedly blacker and poorer than the region as a whole. The percentage of middle and upper-middle class population is comparatively lower for both the black and white segments of the City community than for the rest of the metropolitan area. There are relatively few school-aged white children, and a comparatively smaller number of them are middle class. There are, by comparison, many school-aged black children, but the middle class percentage is lower still.*

The second primary demographic phenomenon which related to the school desegregation issue is the distribution of the City population within its boundaries. That distribution has followed different rules for blacks and whites.

Free from the limitations of racially discriminatory housing policies and practices, the white population initially distributed itself over the great bulk of the City's geographic area in a fashion which separated it racially and allowed internal economic divisions. Having clustered in racial and socio-economic enclaves, the middle and upper-middle class white population found itself particularly well served by the neighborhood school. That school reflected to a great extent the values which the parents espoused.

The situation for the black population is starkly opposed to this. Through far-reaching and deeply-rooted housing policies and practices which were racially discriminatory, black population was initially confined to a relatively small geographic area. That "assignment" was based on race rather than socio-economic class, and the small size of the area made internal socio-economic divisions difficult. Although geographic expansion of the boundaries of the black community has taken place in recent years, that expansion has occurred during a period when cities in general were in such a rapid period of decline and change that maintenance of neighborhood stability became all but impossible.

In St. Louis as in most older central cities, the black middle class population has found the educational needs of its children poorly served by this distribution of population. Black middle class children are far more likely to find themselves in neighborhood schools which reflect only their race, and not their social

class. The schools are less likely to reflect the educational and social values of their parents, and more likely to have been short-changed in allocation of the school system's resources. Even if parents are successful in locating in an area where the neighborhood school provides an educational environment for their children which they view as desirable, there is no guarantee -- as the case of Craton Liddell reflects -- that the children will be allowed to remain there.

When the question of school desegregation is raised in a context where such a distribution of population and educational resources is found, the issue becomes quite difficult to resolve. The educational and political factors which affect the question are not only intricate, but have been brought about by social practices which in some instances make them difficult to discern and in others make them self-fulfilling.

It is the suggestion of this analysis that the most complex conflict which arises with regard to school desegregation is between black and white parents with a middle class orientation. Both groups want the same thing for their children -- a school which provides an educational environment in which the parents' social and educational values are reflected and the children's opportunities for success are maximized -- but in pursuing that goal the groups find themselves at odds with regard to the attendance and placement policies of the school system.

As indicated in the analysis of demographic patterns outlined earlier, white, middle class parents usually find the educational needs of their children essentially well (or at least better) served by current attendance and placement policies. Even setting the issue of possible racial prejudice aside, their natural response is to fight to maintain the current school system policies and practices.

Black middle class parents, in contrast, often feel the educational needs of their children are much less well-served. In fighting to secure the best educational environment for their children, they direct their efforts to alteration of attendance policies based on geographic location which have resulted in children being placed in schools primarily by race, rather than by socio-economic class.

Some additional words of qualification for this analysis are in order. The suggestion that the school desegregation issue and its resolution are tied to motivations related more directly to social class than race per se is not meant to imply that racial considerations do not play an important role in the issue.

There are parents of both races, perhaps more whites than blacks, whose primary goal when facing the desegregation issue is to see that their children end up in a school with a composition which includes a predominance of children of their own race. They often pursue that goal independently of other educational outcomes. There are, conversely, parents of both races who actively seek edu-

cational environments which provide their children with an experience offering a racial and cultural mix of students. They view integration as a factor which favorably affects the quality of education.

Also active in most school desegregation cases are groups which are oriented primarily to civil rights issues, rather than educational concerns. It often appears that achieving racial balance is at least as high -- or higher -- a priority for these groups as specific educational outcomes.

Racial preferences and prejudices are a significant component of the school desegregation debate, and racial balancing and quotas almost invariably become involved in the search for resolution. It is suggested here, however, that unless understanding of the issue transcends mere suspicion of racial prejudice and attempts at resolution become more sophisticated than aiming solely at racial balance, proposed solutions will not ameliorate the present situation--and indeed may serve to aggravate it. Center staff members believe that the ultimate goal of school desegregation efforts should be to make race a non-issue in the operation of schools rather than the central issue.

All of this, of course, is extremely difficult to achieve. The long-term effects of discriminatory social practices and personal perceptions which are often tinged by racial prejudice serve to blur the distinctions between race and social class. In certain instances the two factors become intertwined and not easily separable. Programs

designed to deal with issues such as school desegregation cannot, therefore, simply resort to sweeping and crudely devised approaches. Careful and painstaking efforts must be made to distinguish between racial and class phenomena.

In no instance should actions or policies which are racially discriminatory be tolerated. Where such actions have occurred historically, efforts must be made to correct their effects. However, problems arise when, in attempting to breakdown patterns of racial segregation for which there can be no defense, socio-economic patterns which are less easily assailed begin to be dismantled. Even though a good deal of racial antagonism remains throughout American society, the social climate is such that little support exists for arguments for racially separate schools. It is far more difficult to argue that black and white middle class parents cannot insist that their children be educated in schools which reflect their social and educational values.

The key exercise -- and an operation of considerable delicacy-- is the elimination of racial inequality while insuring the delivery of quality educational services.

Current school system policies and practices related to student placement and attendance do not appear to equally serve the needs of black and white parents with a middle class orientation. White parents and students seem to be better served than parents and children who are black. Little analytic skill is needed to discern

that racial inequity is probably a factor in these different levels of service delivery. What is needed is an educational system which delivers quality education to both black and white students -- not a system which equitably delivers a poor education to both. Obviously, no call is made here for a system which integrates white and black middle class students while segregating other students by social class. The goal of any system of school desegregation should be to put all children in educational settings which best serve their educational needs. Specifically, children should be placed in advantaged school environments where there is no discrimination or isolation by race.

In light of the complexity of the race-class issue, and in the context of the demographics which characterize the City of St. Louis, that task becomes extraordinarily difficult.

The Limitations of a Desegregation Plan Confined to the City

The general demographic characteristics of the City of St. Louis outlined earlier in this chapter present severe logistical difficulties when attention is turned to formulation of a desegregation plan. Attainment of racial mix becomes difficult because of the small number of white students. In a school system which is approximately 75 percent black and 25 percent white there simply are not enough white students to achieve wide-scale racial balance.

Perhaps posing an even greater difficulty is the relatively low percentage of middle and upper-middle class population remaining in the City. It was suggested earlier that the strongest educational wish of middle class parents is for educational settings which reflect their values. In addition, most of the popular conceptions of what constitutes a good school are built on a base in which the bulk of the students are not disadvantaged. Even models which advocate pluralistic education appear to argue for representation by students from lower socio-economic backgrounds, not dominance by them.

Currently, much of the maintenance of middle class schools has taken place through retreat into enclaves which are socio-economically and racially segregated. The logistical problem which arises is how to break down patterns of racial isolation without eliminating the middle class educational settings which many parents insist be provided for their children. By the same token, middle class black students must be afforded the benefits of a school setting which reflects the values of their families, and not simply placed in schools where the only goal is racial mix.

All of this serves only to explain the demographic composition of the central city; it does not alter it.

In the final analysis, a desegregation plan confined to the central city must work with the population which resides there. The apparent goal of any such plan is to create a stable, well-integrated school system which embodies effective educational values. The

question which remains unanswered is how that goal can be accomplished with a plan confined to a school system in which the student population is comprised overwhelmingly of minority students, and where the percentage of middle class students is relatively low.

Experience has shown that in other cities where such a population mix is present, a significant, but still limited, number of educational settings can be created which offer stable, quality, integrated education. Still, however, serious problems remain. A great amount of racial isolation will continue to exist and many students will remain outside desirable educational settings.

The question which arises is obvious. Where can the school system turn to remedy a problem which is based in the City's demographic characteristics?

An Analysis of Metropolitan Desegregation Approaches

One response to the demographic realities presented in the previous section has been consideration of metropolitan-wide approaches to school desegregation. Because of the demographics of the St. Louis situation and because of the growing discussion of metropolitan approaches by actors interested in the case, it is appropriate to present an analysis of some of the important issues and alternatives. From a logistical standpoint, the key to comprehensive and lasting improvement of racial and socio-economic mix in central city schools lies in the suburbs. It is the suburbs which hold the demographic complement necessary to help central city schools achieve some degree of social class and racial balance.

Some people may object to this analysis. Few things in American local politics are more sacrosanct than suburban school systems. Despite popular conceptions, however, metropolitan desegregation plans can present advantages to suburban as well as central city districts. Such plans are readily legally and administratively feasible and can offer educational and financial benefits.

1. Demographic Considerations

Previous analysis points to some of the demographic advantages of metropolitan desegregation plans for central city school systems. In allowing student exchange across district lines, the core city district is afforded the opportunity to correct internal racial and socio-economic imbalances. In situations like that found in the St. Louis metropolitan area, the pursuit of metropolitan approaches would address one of the most serious desegregation issues -- segregation between rather than within districts.

Inter-district student exchange also presents some demographic advantages for suburban school districts. In accepting a controlled number of students from central city schools, suburban districts can provide their own students with a more pluralistic educational experience. The ability of suburban districts to supplement their enrollments with students from outside of the district in the face of dwindling student populations can also serve to prevent the highly unpopular closing of suburban schools which is becoming so prevelant.

In addition to the advantages to the individual suburban and core city districts, demographic advantages accrue to the metropolitan

area as a whole. In stabilizing school populations and their socio-economic and racial composition, much of the population instability and developmental sprawl in urban areas may be checked.

Another frequent source of opposition to desegregation plans relates to the transportation they may entail. Here too, metropolitan remedies frequently offer advantages. Metropolitan-wide plans may actually reduce the amount of transportation which is required and transportation distances which need be travelled. By eliminating jurisdictional boundaries as concrete barriers to student movement, it is often possible to improve racial and class balance at individual schools within the framework of regular distances for home-to-school travel.

2. Educational Considerations

Plans which permit the exchange of students between central city and suburban school districts can offer advantages in addition to improving student balance. When properly structured, these programs can greatly expand the individual student's educational alternatives.

A major problem facing many suburban school districts is the limited number of educational programs they can make available to their students. Metropolitan educational plans permitting transfers between suburban districts, as well as between the suburbs and the central city, can greatly expand the number and types of programs available to the individual student. When existing educational programs are supplemented with magnet schools and educational parks serving multi-district areas, curricular opportunities are enhanced even further.

It would also seem appropriate to note that the job market in which students will compete is metropolitan-wide in scope. An educational system with a component that allows for metropolitan-wide interpersonal contact and individualized skill acquisition will better serve both the individual student and the employment market.

The most definitive findings on the educational outcomes related to different school settings are found in the landmark research of James Coleman. An opponent of massive busing, Coleman's three findings may be summarized as follows:

1) The socio-economic composition of the student body is the most important factor influencing educational outcomes for the individual student.
2) Disadvantaged students do best in schools composed primarily of advantaged students.
3) Advantaged students do not suffer from the presence of disadvantaged students.

From an educational standpoint, the weight of this evidence clearly points to the advantages of an educational system with a metropolitan component in large urban areas.

3. Legal, Administrative, and Political Feasibility

Despite demonstrable demographic and educational advantages, the establishment of metropolitan educational plans is hampered by the notion that they are not administratively, legally, or politically feasible. While considerable political opposition does exist, there are few real legal or administrative barriers.

In most states -- certainly in Missouri -- provision for reorganization of school districts and cooperation between adjoining districts is firmly established in state law. County boards of education, and the school boards in single district cities, are charged to "cooperate with boards of adjoining counties in the solution of common organization problems...". The state board of education is further charged to provide advice and technical assistance during such a process. The legal ability of school districts to sponsor cooperative programs, transport students across district lines, and even reorganize to improve educational services clearly exists in current state law. There is no need for court orders or new legal rulings to establish this authority.

There are also numerous examples of cross-district service provisions and student exchange. The St. Louis County Special School District provides a model for educational service provision which transcends district lines. The Kansas City area public schools are involved in cooperative educational programs in which students are exchanged across not only district but state lines. In New York State, Boards of Cooperative Educational Services have been established which allow individual districts to cooperate in securing technical service capacities which would not be available to them as single districts. It should also be noted that there are many instances such as in West Virginia and Tampa, Florida where school district boundaries correspond with county lines and school systems are effectively metropolitan in nature.

Even with the existence of a strong legal and administrative base for the establishment of inter-district cooperative programs,

significant political opposition remains. One of the primary sources of this opposition is local school administrators with a vested interest in the maintenance of school district organization in its current form.

Another, and more broadly based, source of resistance to inter-district programs comes from those who are heavily invested in local control of schools. They see inter-district programs as a threat to the local system's autonomy and fear loss of control over their schools.

Because these concerns are real and deeply felt, they are not easily assuaged. One can only point to the record in those instances where cooperative inter-district programs have been established to show that local control can and has been maintained. Under such efforts as Wisconsin's Chapter 220 plan (which has established financial incentives for inter-district student exchange on a voluntary basis between Milwaukee area public schools), local districts have maintained complete control over their own operations and in determination of which students from outside the districts they will admit.

Cooperation in inter-district programs to improve racial balance and enhance educational quality will, in most cases, serve to protect suburban districts against loss of local control. Reorganization which takes place under existing state law, and cooperative programs which are established voluntarily, must be established through a political process which insures responsiveness to local wishes.

Continued maintenance of racial and educational disparities which are not addressed by the state and local districts may, on the other hand, serve to put local control on a collision course with the demands of constitutional compliance.

Local systems will become highly vulnerable to loss of autonomy if disparities continue to exist and the recent direction of federal court decisions is maintained. Even with a conservative Supreme Court, the general thrust of federal court findings over the past six to eight years has been to gradually expand the instances in which legal rectification of school segregation can be sought. Although the most recent decision which addresses the primary question of metropolitan remedy (Milliken vs. Bradley in Detroit) places limitations on the circumstances under which suburban school districts can be involved in central city desegregation remedies, the law in this area must be viewed as being in a developmental stage.

There has been a general movement in recent years toward increased cooperation between central cities and their suburbs in the area of service provision. The interdependence of populations and services between the various jurisdictions has become obvious, and problems are more frequently recognized as joint concerns. In a setting in which cooperative programs have been initiated between city and suburbs to reduce service cost and improve their efficiency, it would seem reasonable to expect that a jurisdictionally-based desegregation remedy may be enforced. If inter-jurisdictional cooperation is possible

to reduce cost, improve service, increase convenience, and correct fiscal imbalance, even more compelling arguments can be made for its use where issues relate to the provision of basic constitutional rights.

Inter-district educational plans can also offer a number of fiscal advantages. Cooperative educational programs can offer a first step to correction of the severe fiscal inequities which often exist between districts. Moreover, a carefully crafted plan for inter-district programs, such as Wisconsin's Chapter 220 system, can offer financial advantages to all participating school districts.

As a practical political matter, pursuit of metropolitan approaches in the event of a judicial finding of constitutional violation on the part of the central city school system should have some appeal to all parties in the current St. Louis case. Proponents of desegregation are presented with a method of remedy which increases the possibility of effective and long-lasting school desegregation while enhancing educational quality. Opponents of central city desegregation who find themselves faced with its necessity are afforded an avenue which permits broader distribution of the sharing of the costs and responsibilities for the desegregation plan.

III.

RECOMMENDATIONS FOR SUCCESSFUL RESOLUTION

The recommendations which are offered here are based on the experience of Center staff in the areas of community conflict resolution and social policy formulation, close monitoring of the St. Louis desegregation case, a review of general desegregation research, and the analysis offered in the Center's major desegregation report issued in February 1978 and in the first two sections of this document. The goal of each of the recommendations is to contribute to the fair, effective, and lasting resolution of the issues related to school desegregation which face the St. Louis area.

It should be noted as it was in previous Center desegregation reports, that all recommendations pertaining to court-ordered resolution are dependent on a situation in which there has been a judicial finding of constitutional violation and determination of a need for remedy. It is neither necessary nor appropriate for these reports to address themselves to the question of school system liability.

The Center re-emphasizes its previously stated belief that school desegregation cannot be regarded as an isolated legal question. The issue is one which is broad and complex with myriad social and political implications, and it must be addressed on many fronts. If school system liability is found, constitutional compliance must be sought. It is not, however, necessary to pursue remedy from a perspective which ignores germane social and political considerations.

In offering these recommendations, Center staff members have not presumed to prescribe specific elements of a desegregation plan. The intent is instead to construct a general framework supported by research, analysis, and developments in the St. Louis case within which formulation of a desegregation plan can be pursued by the appropriate parties if that is deemed necessary or desirable.

Center staff have identified three specific requirements which must be met by a successful desegregation plan -- constitutional compliance, political or community viability, and provision of educational quality. The following recommendations are drafted as guidelines for the formulation of a fair, effective, and lasting desegregation plan which meets these specific requirements in the event there is a judicial determination of the need for remedy. Several recommendations are also included relating to constructive community response to the desegregation question.

Recommendation 1: The Center reiterates the recommendation of its February 1978 desegregation report that, should the Court find school system liability and determine the need to fashion a remedy, plan formulation be pursued through a process which jointly involves the parties to the suit.

Section III of the Center's original major desegregation report offers a detailed proposal for how such a process of joint plan formulation might be structured. It should be stressed that this

method of plan formulation would be employed by the Court as a tool to devise the best possible desegregation plan and would be carried out under Court direction and supervision. The premise is that regardless of the ability of the parties to reach consensus on all points, the educational quality and political viability of a plan devised through this process will be enhanced by broad participation in the formulation process. There is no naive expectation that after seven years of litigation all parties will be able to agree on every detail of a desegregation plan or that general agreement would rapidly emerge. Even in the face of these problems, court-supported joint planning by the parties is superior to a plan which is simply handed down to the schools and the community.

Center staff underscore the recommendation in the original proposal for joint plan formulation that competent technical assistance be employed in the process and relevant social science information be collected in a non-adversarial fashion. Those recommendations were supported by expert witnesses in the spring phase of the desegregation trial.

Recommendation 2: It is the recommendation of the Center that in devising a desegregation remedy the feasibility of metropolitan educational plans be pursued.

Given the demographics of the City of St. Louis, only a limited amount of desegregation can be achieved, and the maintenance of middle class school environments becomes difficult. Moreover, there is a

question of the permanence of any desegregation remedy confined to the City. A metropolitan educational approach seems to offer the best hope of high quality and long-lasting school desegregation. Section II of this report has examined the benefits of metropolitan approaches in some detail.

Two approaches to metropolitan remedy are possible: 1) those which are mandated by the Court, and 2) those undertaken voluntarily under state law. It is the recommendation of the Center that both of these approaches be thoroughly explored.

Those pro-desegregation parties in the current St. Louis case who are arguing for legally-mandated school desegregation could constructively pursue the issue of metropolitan remedy. The inherent limitations of a remedy confined to the central city would lead to only marginal improvements in racial balance and educational quality. If there is a legal basis for the pursuit of remedy, it should be exercised in the arena which offers the opportunity for the most effective and lasting resolution of the issue. While it would be necessary to seek an initial in-city remedy if violation is found in the current case, that remedy could subsequently be broadened.

It is also possible for voluntary inter-district desegregation plans to be established independently of any court action. Such plans are legally and administratively feasible and could allow participating districts to retain complete autonomy over their operations. That would not be the case with a court-imposed plan. Several models for voluntary inter-district remedies are available, with the

Wisconsin Chapter 220 plan being, perhaps, the most successful of those which have been implemented. And, as noted earlier, authority exists in Missouri state law to pursue a variety of voluntary approaches.

Virtually every witness in the St. Louis school desegregation case who addressed the issue of desegregation remedy endorsed metropolitan plans as the most stable and educationally effective. With that type of consensus among a group with an otherwise wide divergence of views on issues related to desegregation, a strong case is made for the exploration of the feasibility of metropolitan remedy. Responsible resolution of the desegregation issue would, in fact, seem to demand that all available metropolitan options be explored.

One potential area for cooperation between the public schools of the City of St. Louis and St. Louis County which merits intensive exploration is the provision of special education services. A single district currently serves all of St. Louis County, and establishment of a metropolitan system of service provision could be achieved with the simple addition of the City to that system. A number of fiscal, administrative, and service improvements are possible in addition to the improvement of racial and class balance. Merger of the special education functions in St. Louis City and County has been previously studied in depth by the Governmental Research Institute. <u>It is the recommendation of the Center that the consolidation of special educational and vocational-technical services in St. Louis City and County once again be actively explored</u>.

Recommendation 3: Any forthcoming desegregation plan -- be it court-ordered or voluntary -- has a better chance of success and better serves students if it offers educational gains in addition to improving racial balance. It is the recommendation of the Center that any desegregation plan which is devised contain a strong and explicit emphasis on defining and pursuing standards of high quality education.

School desegregation under any circumstances is a difficult process. On occasion, school desegregation plans have been devised which have compromised educational quality. Having identified quality education as a prime component of any successful desegregation plan, Center staff do not feel that it is fair or reasonable to expect public support for a plan which sacrifices any measure of educational quality. Conversely, plans which improve educational service levels better serve students and provide an incentive for community support.

The range of educational advantages which can be achieved in conjunction with a desegregation plan (particularly a metropolitan plan) is broad. Central city students can be placed in middle class school settings and suburban students can be provided a more pluralistic educational experience. Additionally, the scope and quality of curricular offerings available to the individual student can be greatly expanded, resulting in a service system which offers a wider range of educational options.

Recommendation 4: It is the recommendation of the Center that any school system reorganization or student transportation which is undertaken in an effort to improve racial balance also be oriented to the placement of as many children as possible in advantaged school environments.

Educational research shows that disadvantaged students make the greatest educational gains in middle class school settings. On the other hand, the presence of disadvantaged students in the classroom does not negatively affect the performance and achievement levels of advantaged students. Moreover, from a practical political standpoint, it is not reasonable to expect middle class parents, whether black or white, to be content with the placement of their children in a school setting which does not reflect their educational and social values.

Recommendation 5: It is the recommendation of the Center that current community efforts to plan and prepare for all of the possible contingencies related to the desegregation process be maintained. Maintenance of a high level of public consciousness and strong community involvement are essential to the intelligent and successful resolution of the many complex and delicate issues related to school desegregation.

A wide variety of groups in the St. Louis area have initiated and carried out efforts to involve the community constructively in the desegregation question. The Citizens Education Task Force, the Interim Citizens Steering Committee initiated through the Danforth

Foundation, the National Conference of Christians and Jews, the Missouri Committee for the Humanities, the Community Relations Service, the UMSL Center for Metropolitan Studies, and other groups have attempted to provide assistance to the community's efforts to come to grips with the many problems and tasks related to the desegregation process. As time passes without a legal resolution of the case and related activities are of necessity held in abeyance, it becomes difficult to maintain public interest and the impetus for community action. Strong leadership is needed to hold the desegregation issue on the public agenda of concerns, continue preparation, minimize the frustrations of protraction of the process, and continue to advocate the most rapid possible resolution of the issue.

Section IV of the Center's February 1978 school desegregation report outlines the community-based tasks which are essential to successful resolution of the desegregation issue. Many of these tasks have been accomplished; some have not. There also are many tasks which can only be carried out subsequent to a Court decision.

Every effort must be made to maintain current levels of community involvement and initiate planning and preparation efforts in areas where work remains to be done. In this way, regardless of the outcome of the court case, community attention will remain focused on the provision of quality education to all children in the school system.